

CITY ATTORNEY UPDATE

FEBRUARY 13, 2012

JUDGE TO DECIDE PERB COMPLAINT

A complaint will be filed by PERB that will initiate a lawsuit seeking to remove the Comprehensive Pension Reform initiative from the ballot. This will be heard in San Diego Superior Court as any other lawsuit. PERB has made no findings of fact and could not do so as there was no hearing. PERB simply took what the labor unions wrote and repeated it. We were given 48 hours notice to provide a written response. There was no hearing. Under the law, PERB has no authority to remove an initiative from the ballot.

This issue will be decided by the judicial system which, unlike PERB, is bound to follow the law.

The law requires “meet and confer” with labor unions when the City Council drafts and places a proposition on the ballot. The City Council did not “meet and confer” because this is a citizen’s initiative, placed on the ballot by nearly 116,000 signatures, and the City has no power under the law to negotiate changes in it or refuse to place it on the ballot.

Never in the history of this state has anyone ever been required to “meet and confer” on a citizens’ initiative. The constitution provides that it **must** be placed on the ballot and we believe that’s what will happen.

Please contact Jonathan Heller at (619) 533-4782 or JHeller@sandiego.gov for more information.